



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/765,563

01/27/2004

Benjamin A. Street

26.2.D15/USA

8129

7590

11/03/2006

James W. Miller  
Rand Tower  
Suite 1960  
821 Marquette Avenue  
Minneapolis, MN 55402

EXAMINER

BATSON, VICTOR D

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/765,563	STREET, BENJAMIN A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Victor Batson	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 17-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-27 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 11-13, 17, 28 is/are rejected.
- 7) ☒ Claim(s) 10, 14, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11,24-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The second quick attachment comprising male and female couplers provided on a rear of the frame and being of like kind and size was not properly described in the specification or shown in the drawings. Similarly, the implements mounted to the female coupler of the first quick attachment and comprising a blower, rake and box scraper are not properly described in the specification or shown in the drawings.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4,7 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (2,228,490).

Smith discloses a grooming vehicle including a frame 10, a support on which the steerable front wheel is rotatably journaled, a ground grooming implement 32, a

Art Unit: 3671

vertically movable linkage (29,25) and a powered (by the operator) actuator (37, 36, 33) connected to the movable linkage to raise and lower the linkage.

Concerning claims 2 & 3, the linkage of Smith including bars 29 & 27 is considered a four bar linkage with the pair of bars being parallel.

Concerning claim 4, since the bars are shown to be bolted on their ends, the connections are considered to be quick attachment connections.

Concerning claim 7, implement 32 is considered a bulldozer blade.

Claims 12,13,17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ciula (5,088,215).

Ciula discloses a grooming vehicle including a frame supported by a plurality of ground engaging wheels, with the blade being pivotally connected to an attachment coupled to the front of the frame. Ciula further discloses at least one spring 58 operatively connected between the blade and attachment. The blade is allowed to pivot against the bias of the spring as shown in figure 6.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 & 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (2,228,490).

Art Unit: 3671

Smith discloses a grooming vehicle as described previously, but lacks the quick attachment being A-shaped.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the quick attachment A-shaped since it has been held that there is no invention in merely changing the shape or form of an article without changing its function except in a design patent. Eskimo Pie Corp. v. Levous et al., 3 USPQ 23.

Concerning the limitations set forth in claim 28 and directed to using a cylinder as the actuator, the examiner takes Official Notice that it is known in the art to use a cylinder (such as a hydraulic cylinder which inherently includes a housing and rod), as an actuator in the agricultural arts. Hydraulic cylinders are used as actuators, because they are compact, reliable and easy to operate.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Smith by replacing the actuator (comprising a handle and mechanical linkage) with a hydraulic cylinder because hydraulic cylinders are compact, reliable and easy to operate.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (2,228,490) in view of Ciula (5,088,215).

Smith discloses a grooming vehicle as described previously, but lacks the blade being pivotal against a spring bias.

Art Unit: 3671

Ciula teaches that it is known in the art to allow a blade to pivot against a spring bias (figure 6). This allows the blade to pivot if it engages an obstacle instead of transferring the impact force to the implement frame or vehicle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Smith, by providing structure similar to Ciula that would allow the blade to pivot against a spring bias if it engages an obstacle, so that an impact force would not be transferred to the implement frame or vehicle.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (2,228,490) in view of Schmid et al. (4,825,570).

Smith discloses a grooming vehicle as described previously, but lacks the implement being a blower. Smith discloses the implement as a plow blade.

Schmid et al. teaches that a blower is an equivalent structure known in the art. Therefore, because two plow means were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute a blower for a plow blade.

#### ***Allowable Subject Matter***

Claims 10,14,18,19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 20-27 are allowed.

Art Unit: 3671

***Response to Arguments***


Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Batson whose telephone number is (571) 272-6987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on (571) 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 31, 2006

  
Victor Batson  
Primary Examiner  
Art Unit 3671